

NOT FOR PUBLICATION

FEB 22 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

BENJAPON SAKKARAPOPE,

Plaintiff - Appellant,

v.

BOARD OF REGENTS, WASHINGTON
STATE UNIVERSITY; et al.,

Defendants - Appellees.

No. 04-35643

D.C. No. CV-04-00074-JLQ

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Justin L. Quackenbush, District Judge, Presiding

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Benjapon Sakkarapope appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging violation of the Family

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g. We have jurisdiction under 28 U.S.C. § 1291. After de novo review, *Thompson v. City of Los Angeles*, 885 F.2d 1439, 1442 (9th Cir. 1989), we affirm.

The district court properly dismissed Sakkarapope’s claims against defendant Board of Regents because the Board is not a “person” within the meaning of 42 U.S.C. § 1983. *See id.* at 1443. Moreover, even if the State of Washington has waived its sovereign immunity to 42 U.S.C. § 1983 actions in its own courts, it has not done so in the federal courts. *See McConnell v. Critchlow*, 661 F.2d 116, 117 (9th Cir. 1981).

The district court also properly dismissed Sakkarapope’s claims against the Secretary of Education because FERPA does not create a private right of action. *See Gonzaga University v. Doe*, 536 U.S. 273, 287 (2002).

Sakkarapope’s remaining contentions are unpersuasive.

Sakkarapope’s pending motions are denied.

Appellee’s motion to strike is granted.

AFFIRMED